

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICKY ANTHONY YOUNG,

Plaintiff,

v.

SCOTT RUSSELL et al.,

Defendants.

CASE NO. C13-05079 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION "DISQUALIFYING"
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

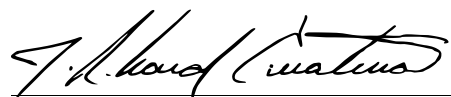
The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks the Court to deny or "disqualify" defendants' motion for summary judgment (ECF No. 84). The Court DENIES the motion. Plaintiff originally argued that defendants' motion was untimely. Plaintiff has withdrawn that argument after receiving defendants' response noting that the Court had extended the dispositive motions cutoff date when it granted him additional time to conduct discovery (ECF No. 59).

1 Plaintiff's second argument is that the defendants should have waited to see if plaintiff's
 2 appeal to the district court judge from the denial of his motions to stay discovery would be
 3 granted (ECF No. 91). The Court is not aware of any court rule or case holding that defendants
 4 must wait to file a summary judgment motion. Further, there is nothing guaranteeing that
 5 plaintiff's appeal would be addressed before the dispositive motion cutoff date. Plaintiff
 6 continues to argue he lacks sufficient typing paper and that he has not received all of the
 7 discovery he believes he is entitled to receive. The Court has previously ruled on these issues.
 8 (ECF No. 91). The Court disagrees with plaintiff over the amount of paper necessary to conduct
 9 discovery. The Court finds that 200 pages of paper every other week is more than adequate to
 10 prosecute this action. Further, the Court granted plaintiff a two month extension of the discovery
 11 deadline (ECF No. 59). In addition, the Court ordered the parties to confer regarding discovery
 12 when plaintiff filed a motion to compel (ECF No. 60). The Court ordered the conference even
 13 though plaintiff's motion to compel did not comply with Fed. R. Civ. P. 37. The Court later
 14 found that the amount of time defendants' counsel allotted to the conference was more than
 15 adequate to comply with the Court's order (ECF No. 89).

16 Discovery is now closed with the exception of the discovery plaintiff has served on
 17 defendant Anderson. Further, the time for filing a response to defendants' motion for summary
 18 judgment has elapsed. The Court finds no reason to further delay consideration of defendants'
 19 motion for summary judgment.

20
 21 Dated this 18th day of November, 2013.

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 23 

24 J. Richard Creatura
 United States Magistrate Judge